

By

Cain

H.B. No. _____

A BILL TO BE ENTITLED

AN ACT

relating to fees payable to and collected by the Texas Water Rights Commission; providing an exception for state agencies; amending Article 7532, Revised Civil Statutes of Texas, 1925, as amended; repealing Article 7534, Revised Civil Statutes of Texas, 1925, and all other laws to the extent of conflict; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Article 7532, Revised Civil Statutes of Texas, 1925, as amended by Section 4, Chapter 136, General Laws, Acts of the 39th Legislature, Regular Session, 1925, is amended to read as follows:

"ARTICLE 7532. FEES.

"Section 1. TEXAS WATER RIGHTS COMMISSION TO COLLECT FEES.

(a) The Texas Water Rights Commission shall charge and collect the fees provided in this section. The Commission shall make a record of fees provided when due, and shall render an account to the person charged with the fees. Each fee is a separate charge and is in addition to other fees unless provided otherwise.

"(b) The fees for filing all applications or petitions is \$25.00, plus the cost of required notice.

"(c) The fee for recording each instrument recorded in the office of the Commission is \$1.00 per page.

"(d) The fee for the use of water for irrigation is 50 cents per acre for each acre to be irrigated.

"(e) The fee for the use of water for a steam or gas power plant, or for cooling, condensing, or steam purposes is \$1.00 for each indicated horsepower.

"(f) The fee for impounding water, except under Section 5, Chapter 136, General Laws, Acts of the 39th Legislature, Regular Session, 1925, as amended (Article 7500a, Vernon's Texas Civil Statutes), or for the use of water for recreation or pleasure, is 50 cents per acre-foot of storage, based on the total holding capacity of the reservoir at normal operating level.

"(g) The fee for other uses of water not specifically named in this section is \$1.00 per acre-foot.

"(h) A fee charged under this section for one use of water under a permit from the Commission may not exceed \$5,000; and the fee for each additional use of water under a permit for which the maximum fee is paid may not exceed \$1,000.

"(i) The fees provided in Subsections (d) through (g) of this section are one-time fees, payable when the application for an appropriation is made.

1 "Section 2. RETENTION OF FEES BY TEXAS WATER RIGHTS COMMIS-
2 SION. The Texas Water Rights Commission shall hold all fees,
3 other than filing fees, which are paid upon application until the
4 Commission finally determines whether the application should be
5 granted, and if not, the Commission shall return the fees to the
6 applicant.

7 "Section 3. STATE AGENCY EXCEPTIONS. The Texas Water
8 Development Board and the Texas Parks and Wildlife Commission are
9 exempted from payment of any filing, recording or use fees
10 required by this Article."

11 Sec. 2. Article 7534, Revised Civil Statutes of Texas, 1925,
12 is repealed. All other laws or parts of laws inconsistent with the
13 provisions of the article are repealed to the extent of conflict
14 only.

15 Sec. 3. The fact that the fees that the Commission may
16 collect have not been revised since 1925; the need for clarifi-
17 cation of certain provisions of the present statute; the need for
18 conforming this statute to the statute which provides for collec-
19 tion of certain fees by all agencies of the state; the importance
20 of this legislation and the crowded condition of the calendars in
21 both houses create an emergency and an imperative public necessity
22 that the Constitutional Rule requiring bills to be read on three
23 several days in each house be suspended, and the Rule is hereby
24 suspended; and that this Act take effect and be in force from and
25 after its passage, and it is so enacted.
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54

BILL ANALYSIS

(1) Background Information:

Since 1925 when this statute was enacted, several additional responsibilities have been assigned to the Water Rights Commission which this law did not contemplate. This means that there are no fees for certain types of filings with the Commission, since this is the general statute of Water Rights fees. Also the use fees for water in this bill shich was written over 40 years ago, are out of date.

(2) What the bill does:

H. B. No. 139 sets all filing fees with the Commission at \$25 plus the cost of required notice. This brings together all present filings and brings in all others for which there are presently no fees.

It raises the use fees for water from 10¢ to \$0.40 per acre for irrigation, from 25¢ to \$1.00 per horsepower in power plants or cooling purposes, from 25¢ to \$1.00 per acre-foot when used for other uses of water. The maximum fee for one use of water is changed from \$1,500 to \$5,000 and the maximum fee for each additional use from 200 dollars to 1,000 dollars.

In addition, the charges for file searches and copies of instruments are deleated from this bill because they are covered in another act which affects all State agencies.

In addition, this bill exempts the Texas Water Development Board and the Texas Parks and Wildlife Commission from payments of these fees.

(3) Section analysis:

Section 1. Sets the fees of the Commission; describes the retention of fees by the Commission until application is granted; and exempts the Texas Water Development Board and the Texas Parks and Wildlife Commission from payment of these fees.

Section 2. Is a General Repealer clause.

Section 3. Declares an emergency.

(4) In Committee:

H. B. No. 139 was heard yb the full Committee and referred to a subcommittee. After complete discussion the bill was sent back to the House with the recommendation that it do pass, by a unanimous vote.

By: Cain

H.B. No. 139

A BILL TO BE ENTITLED

AN ACT

relating to fees payable to and collected by the Texas Water Rights Commission; providing an exception for state agencies; amending Article 7532, Revised Civil Statutes of Texas, 1925, as amended; repealing Article 7534, Revised Civil Statutes of Texas, 1925, and all other laws to the extent of conflict; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Article 7532, Revised Civil Statutes of Texas, 1925, as amended by Section 4, Chapter 136, General Laws, Acts of the 39th Legislature, Regular Session, 1925, is amended to read as follows:

"ARTICLE 7532. FEES.

"Section 1. TEXAS WATER RIGHTS COMMISSION TO COLLECT FEES.

(a) The Texas Water Rights Commission shall charge and collect the fees provided in this section. The Commission shall make a record of fees provided when due, and shall render an account to the person charged with the fees. Each fee is a separate charge and is in addition to other fees unless provided otherwise.

"(b) The fees for filing all applications or petitions is \$25.00, plus the cost of required notice.

"(c) The fee for recording each instrument recorded in the office of the Commission is \$1.00 per page.

"(d) The fee for the use of water for irrigation is 50 cents per acre for each acre to be irrigated.

H.B. No. 139

"(e) The fee for the use of water for a steam or gas power plant, or for cooling, condensing, or steam purposes is \$1.00 for each indicated horsepower. _____

"(f) The fee for impounding water, except under Section 5, Chapter 136, General Laws, Acts of the 39th Legislature, Regular Session, 1925, as amended (Article 7500a, Vernon's Texas Civil Statutes), or for the use of water for recreation or pleasure, is 50 cents per acre-foot of storage, based on the total holding capacity of the reservoir at normal operating level. _____

"(g) The fee for other uses of water not specifically named in this section is \$1.00 per acre-foot. _____

"(h) A fee charged under this section for one use of water under a permit from the Commission may not exceed \$5,000; and the fee for each additional use of water under a permit for which the maximum fee is paid may not exceed \$1,000. _____

"(i) The fees provided in Subsections (d) through (g) of this section are one-time fees, payable when the application for an appropriation is made. _____

"Section 2. RETENTION OF FEES BY TEXAS WATER RIGHTS COMMISSION. The Texas Water Rights Commission shall hold all fees, other than filing fees, which are paid upon application until the Commission finally determines whether the application should be granted, and if not, the Commission shall return the fees to the applicant. _____

"Section 3. STATE AGENCY EXCEPTIONS. The Texas Water Development Board and the Texas Parks and Wildlife Commission are _____

exempted from payment of any filing, recording or use fees
required by this Article."

Sec. 2. Article 7534, Revised Civil Statutes of Texas, 1925,
is repealed. All other laws or parts of laws inconsistent with the
provisions of the article are repealed to the extent of conflict
only.

Sec. 3. The fact that the fees that the Commission may
collect have not been revised since 1925; the need for clarifi-
cation of certain provisions of the present statute; the need for
conforming this statute to the statute which provides for collec-
tion of certain fees by all agencies of the state; the importance
of this legislation and the crowded condition of the calendars in
both houses create an emergency and an imperative public necessity
that the Constitutional Rule requiring bills to be read on three
several days in each house be suspended, and the Rule is hereby
suspended; and that this Act take effect and be in force from and
after its passage, and it is so enacted.

Austin, Texas

May 10, 1967

Hon. Preston Smith
President of the Senate

Sir:

We, your Committee on Water and Conservation,
to which was referred H B. No. 139, have had the same
under consideration, and I am instructed to report it back to
the Senate with the recommendation that it do _____
pass _____ and be _____ printed.


Parkhouse

Chairman

CAS

ENROLLED

H.B. No. 139

AN ACT

relating to fees payable to and collected by the Texas Water Rights Commission; providing an exception for state agencies; amending Article 7532, Revised Civil Statutes of Texas, 1925, as amended; -repealing Article 7534, Revised Civil Statutes of Texas, 1925, and all other laws to the extent of conflict; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Article 7532, Revised Civil Statutes of Texas, 1925, as amended by Section 4, Chapter 136, General Laws, Acts of the 39th Legislature, Regular Session, 1925, is amended to read as follows:

"ARTICLE 7532. FEES.

"Section 1. TEXAS WATER RIGHTS COMMISSION TO COLLECT FEES.

(a) The Texas Water Rights Commission shall charge and collect the fees provided in this section. The Commission shall make a record of fees provided when due, and shall render an account to the person charged with the fees. Each fee is a separate charge and is in addition to other fees unless provided otherwise.

"(b) The fees for filing all applications or petitions is \$25.00, plus the cost of required notice.

"(c) The fee for recording each instrument recorded in the office of the Commission is \$1.00 per page.

"(d) The fee for the use of water for irrigation is 50 cents per acre for each acre to be irrigated.

"(e) The fee for the use of water for a steam or gas power plant, or for cooling, condensing, or steam purposes is \$1.00 for each indicated horsepower.

"(f) The fee for impounding water, except under Section 5, Chapter 136, General Laws, Acts of the 39th Legislature, Regular Session, 1925, as amended (Article 7500a, Vernon's Texas Civil Statutes), or for the use of water for recreation or pleasure, is 50 cents per acre-foot of storage, based on the total holding capacity of the reservoir at normal operating level.

"(g) The fee for other uses of water not specifically named in this section is \$1.00 per acre-foot.

"(h) A fee charged under this section for one use of water under a permit from the Commission may not exceed \$5,000; and the fee for each additional use of water under a permit for which the maximum fee is paid may not exceed \$1,000.

"(i) The fees provided in Subsections (d) through (g) of this section are one-time fees, payable when the application for an appropriation is made.

"Section 2. RETENTION OF FEES BY TEXAS WATER RIGHTS COMMISSION. The Texas Water Rights Commission shall hold all fees, other than filing fees, which are paid upon application until the Commission finally determines whether the application should be granted, and if not, the Commission shall return the fees to the applicant.

"Section 3. STATE AGENCY EXCEPTIONS. The Texas Water Development Board and the Texas Parks and Wildlife Commission are

H.B. No. 139

I hereby certify that H.B. No. 139 was passed by the Senate
on May 17, 1967, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED:

6-16-67

Date

John Connally

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
12:25pm O'CLOCK

JUN 17 1967

John L. Hill

Secretary of State

H.B. No. 139 By Carr

C

A BILL TO BE ENTITLED
AN ACT

relating to fees payable to and collected by the Texas Water Rights Commission; providing an exception for state agencies; amending Article 7532, Revised Civil Statutes of Texas, 1925, as amended; repealing Article 7534, Revised Civil Statutes of Texas, 1925, and all other laws to the extent of conflict; and declaring an emergency.

FILED

MAR 23 1967

MAR 25 1967

READ 1ST TIME

AND REFERRED TO COMMITTEE ON

Conservation
& Reclamation

MAR 22 1967

REPORTED FAVORABLY

SENT TO PRINTER

PRINTED, DISTRIBUTED AND

REFERRED TO COMMITTEE ON

RULES 12:00 Noon M.

(Time)

MAR 23 1967

(Date)

APR 12 1967

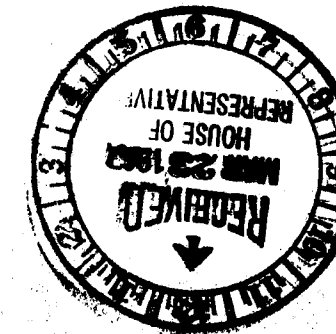
READ SECOND

TIME _____ AND

ORDERED _____ ENGROSSED

non-record vote, by
Dorothy Hallman

Chief Clerk, House of Representatives



APR 12 1967

Constitutional

Rule requiring bills to be read on
three several days suspended by

A four-fifths vote.

Yeas 136 Nays 4

Dorothy Hallman

Chief Clerk, House of Representatives

APR 12 1967

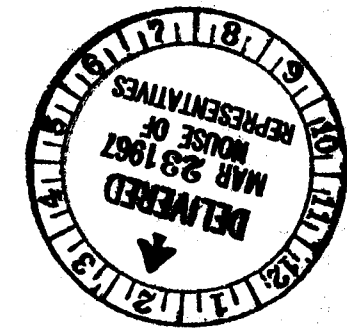
Read third time

and Passed

non-record
by following vote: yeas _____

Nays _____

Dorothy Hallman
Chief Clerk
HOUSE OF REPRESENTATIVES



APR 12 1967

MOTION TO RECONSIDER THE VOTE BY

WHICH H.B. No. 139
WAS PASSED AND TO TABLE THE MOTION TO RECONSIDER PREVAILED BY A non-record VOTE

Dorothy Hallman
NAYES
CHIEF CLERK HOUSE OF REPRESENTATIVES

APR 12 1967 SENT TO ENGROSSING CLERK

By: Cain

H.B. No. 139

A BILL TO BE ENTITLED

AN ACT

relating to fees payable to and collected by the Texas Water Rights Commission; providing an exception for state agencies; amending Article 7532, Revised Civil Statutes of Texas, 1925, as amended; repealing Article 7534, Revised Civil Statutes of Texas, 1925, and all other laws to the extent of conflict; and declaring an emergency.

1-23-67 Filed.
1-25-67 Read first time and referred to Committee on Conservation and Reclamation.
3-22-67 Reported favorably, sent to printer.
3-23-67 Printed, distributed and referred to Committee on Rules at 12 noon.
4-12-67 Read second time and ordered engrossed by a non-record vote.
4-12-67 Constitutional Rule requiring bills to be read on three several days suspended by a four-fifths vote: Yeas 136, Nays 4.
4-12-67 Read third time and passed by a non-record vote.
4-12-67 Sent to Engrossing Clerk.
4-12-67 Engrossed.

Dorothy Hallman
Chief Clerk, H. of R.

Area Luggins
Engrossing Clerk, H. of R.

APR 13 1967 RETURNED FROM ENGROSSING CLERK SENT TO THE SENATE

APR 13 1967

IN THE SENATE
Received from the House

MAY 17 1967

Senate Rule 32 and
Constitutional Rule (Sec. 32, Art. III)
suspended by a vote of 31 yeas,
0 nays, to place bill on third
reading and final passage.

APR 26 1967

Read first time
and referred to Committee
on Water and Conservation

MAY 17 1967

READ THIRD TIME AND PASSED
BY THE FOLLOWING VOTE:

Yeas 31 Nays 0

Charles Schnabel
Secretary of the Senate

MAY 10 1967

Reported Favorably.

MAY 17 1967

READ SECOND TIME.
AND PASSED TO THIRD READING.

MAY 17 1967 SENT TO HOUSE

MAY 17 1967

RETURNED FROM SENATE

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 17 1967 SENT TO ENROLLING CLERK